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PATENT APPLICATION
09/074,496

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James R. Albritton
Serial No.: 09/074,496
Filing Date: May 7, 1998
Group Art Unit: 3679
Confirmation No. 2329
Examiner: Michael P. Ferguson
Title: *Breakaway Support Post for Highway Guardrail End
Treatments*

MAIL BOX AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

NOTICE OF APPEAL

In response to the Final Office Action mailed September 3, 2009 and the Advisory Action dated November 9, 2009, Applicant respectfully requests the Board of Patent Appeals and Interferences to reconsider the rejections of the claims.

REMARKS


This Application has been carefully reviewed in light of the Final Office Action mailed September 3, 2009 and the Advisory Action dated November 9, 2009. Applicant respectfully requests consideration and favorable action in this Application.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decisions of the Examiner mailed September 3, 2009 finally rejecting Claims 37 and 40.

This application is filed on behalf of a large entity.

Please charge the fee of \$540.00 to satisfy the Notice of Appeal fee under 37 C.F.R. §1.17(b) to Deposit Account No. 02-0384 of Baker Botts L.L.P. The Commissioner is also authorized to charge \$490.00 as payment for the fee to file the attached Request for Extension of Time - two months and any additional fees and credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant


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Date: January 27, 2010

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